

Bill No. 25-05
Concerning: Consumer Protection -
Office – Powers and Duties
Revised: 10-4-05 Draft No. 4
Introduced: July 26, 2005
Expires: January 26, 2007
Enacted: October 11, 2005
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Perez and Councilmembers Praisner and Andrews

AN ACT to:

- (1) create the Office of Consumer Protection as a principal office in the Executive branch of County government;
- (2) transfer certain duties and change certain references from the Department of Housing and Community Affairs to the Office of Consumer Protection.
- (3) make technical, conforming, and stylistic changes in provisions of law involving the Office of Consumer Protection and predecessor agencies; and
- (4) generally amend County law relating to the administration of housing, consumer protection, and related programs.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-201

Chapter 2, Administration
Section 2-27

Chapter 2A, Administrative Procedures Act
Sections 2A-2, 2A-4

Chapter 10B, Common Ownership Communities
Sections 10B-2, 10B-3, 10B-4, 10B-5, 10B-11, 10B-13, 10B-14

Chapter 11, Consumer Protection
Sections 11-1, 11-2, 11-3, 11-6, 11-7, 11-7A, 11-8

Chapter 11A, Condominiums
Section 11A-12

Chapter 17, Electricity
Section 17-20

Chapter 30, Licensing and Regulations Generally
Section 30-10

Chapter 30C, Motor Vehicle Towing From Private Property
Sections 30C-1, 30C-3, 30C-4, 30C-5, 30C-8

Chapter 31A, Motor Vehicle Repair and Towing Registration
Sections 31A-1, 31A-6, 31A-7

Chapter 31C, New Home Warranty and Builder Licensing
Sections 31C-1, 31C-2, 31C-7, 31C-8

Chapter 38A, Radio, Television and Electrical Appliance Installation and Repairs
Sections 38A-1, 38A-9, 38A-10

Chapter 40, Real Property
Section 40-20

Chapter 44A, Secondhand Personal Property
Sections 44A-2, 44A-8, 44A-10, 44A-12, 44A-13, 44A-14

Chapter 53, Taxicabs and Limousines
Section 53-103

| | |
|------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland, approves the following Act:

1 **Sec 1. Sections 1A-201; 2-27; 2A-2; 2A-4; 10B-2, 10B-3, 10B-4, 10B-5,**
2 **10B-11, 10B-13, 10B-14, 11-1; 11-2; 11-3; 11-6; 11-7; 11A-12, 17-20; 30-10;**
3 **30C-1; 30C-3; 30C-4; 30C-5; 30C-8; 31A-1; 31A-6; 31A-7; 31C-1; 31C-2;**
4 **31C-7; 31C-8; 38A-1; 38A-9; 38A-10; 40-20; 44A-2; 44A-8; 44A-10; 44A-12;**
5 **44A-13; 44A-14; and 53-103 are amended as follows:**

6 **1A-201. Establishing departments and principal offices.**

7 **(a) Executive Branch.**

8 (1) These are the departments and principal offices of the Executive
9 Branch.

10 * * *

11 Consumer Protection (Section 11-2)

12 * * *

13 **2-27. Functions and organization.**

14 The Department of Housing and Community Affairs has the following
15 functions:

16 * * *

17 [(6) Consumer affairs.]

18 [(7)] (6) Technical assistance to the Department of Economic
19 Development and the Department of Environmental Protection in the
20 area of human resources, budget, technology, and procurement.

21 [(8)] (7) Other functions designated by law.

22 **2A-2. Applicability**

23 * * *

24 (e) Complaints and actions filed with or by the [Department of Housing
25 and Community Affairs] Office of Consumer Protection under Section

11-4 when a hearing is required or provided before a cease and desist order is issued.

* * *

2A-4. Definitions.

The following words and phrases have the following meanings, except when otherwise indicated in this Article.

Hearing authority: The Commission on Human [Relations] Rights or a [designated panel thereof] Commission case review board; the Merit System Protection Board; the County Board of Appeals; the Landlord-Tenant Commission[,]; the Executive Director of the Office of Consumer Protection; the Director of the Department of Housing and Community Affairs; the Animal Matters Hearing Board; or a hearing examiner or [official] officer designated or appointed to conduct those hearings listed in Section 2A-2.

* * *

10B-2. Definitions.

In this Chapter, the following words have the following meanings:

* * *

(c) *[[Department means the Department of Housing and Community Affairs]]* Office means the Office of Consumer Protection.

10B-3. Commission on Common Ownership Communities.

* * *

(b) Designees of the County Council, Planning Board, Department of Environmental Protection, Department of Permitting Services, Department of Public Works and Transportation, Office of Consumer Protection, and Department of Housing and Community Affairs are ex-officio nonvoting members of the Commission.

* * *

- (i) The [[Department]] Office must provide the Commission with staff, offices and supplies as are appropriated for it.

10B-4. Administrative support.

In selecting staff to carry out the [[Department's]] Office's responsibilities under this Chapter, the Director must consider the recommendations of the Commission.

10B-5. Duties of the [[Department of Housing and Community Affairs]] Office of Consumer Protection.

The [[Department]] Office, in consultation with the Commission, must:

* * *

10B-11. Mediation; dismissal before hearing.

- (a) The [[Department]] Office may investigate facts and assemble documents relevant to a dispute filed with the Commission, and may summarize the issues in the dispute. The [[Department]] Office may notify a party if, in its opinion, a dispute was not properly filed with the Commission, and may inform each party of the possible sanctions under Section 10B-13(d).
- (b) If the [[Department]] Office, after reviewing a dispute, finds that, assuming all facts alleged by the party which filed the dispute are true, there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, it may so inform the Commission. The Commission, in its discretion, may dismiss a dispute if it finds that there are no reasonable grounds to conclude that a violation of applicable law or any association document has occurred, or it may order the [[Department]] Office to

investigate further. The Commission may reconsider the dismissal of a dispute under this subsection if any party, in a motion to reconsider filed within 30 days after the dispute is dismissed, shows that:

* * *

10B-13. Administrative hearing.

* * *

- (i) The Commission, acting through the [[Department]] Office and the County Attorney, may enforce a decision of the hearing panel by taking any appropriate legal action.

* * *

10B-14. Settlement of disputes; assistance to parties.

* * *

- (b) The [[Department]] Office may inform any party who has settled a dispute by mediation, or any party who prevails in a hearing held under Section 10B-13, about how the agreement or decision can be enforced.

11-1. Definitions.

In this Chapter, the following words and phrases have the following meanings:

* * *

[Department: The Department of Housing and Community Affairs.]

Director or Executive Director: The Director of the [Department of Housing and Community Affairs] Office of Consumer Protection, or the Director's designee.

* * *

Office: The Office of Consumer Protection.

* * *

104 **11-2. Office of Consumer [affairs] Protection.**

105 The Office of Consumer Protection is a department of County government.
106 Notwithstanding Section 1A-104(a) and (c), the Office is headed by a merit system
107 employee, who is entitled the Executive Director. The [Department] Office has the
108 following duties, powers and authority:

- 109 (a) To receive and investigate complaints and initiate its own
110 investigation of deceptive or unfair trade practices against consumers;
111 to hold hearings, compel the attendance of witnesses, administer
112 oaths, take the testimony of any person under oath and, in connection
113 therewith, require the production of any evidence relating to any
114 matter under investigation or in question by the [Department] Office.
115 At any hearing, a witness has the right to be advised by counsel
116 present during the hearing.

117 * * *

- 118 (j) To annually report on the number, nature, and disposition of
119 complaints filed and the other relevant activities of the [Department]
120 Office during the previous year. The annual report must include
121 recommendations, if any, made by the Advisory Committee.
122 (k) To adopt regulations under method (3) for the conduct of the activities
123 of the [Department] Office.

124 * * *

125 **11-3. Advisory Committee on Consumer affairs.**

126 * * *

- 127 (d) *Powers and duties.* The Committee advises the [Department] Office in
128 carrying out its duties and functions under this Chapter, and holds
129 public hearings as necessary, including hearings on including or

130 excluding persons or organizations from the application of this
131 Chapter.

132 * * *

133 **11-6. Filing [of] complaints.**

134 Any consumer subjected to an unlawful trade practice as [set forth] defined
135 in Section 11-4 or 11-4A, or the Director, may file a complaint in writing. The
136 complaint must state the name and address of the person alleged to have committed
137 the violation, the details of the violation, and any other information as the
138 [Department] Office requires.

139 **11-7. Procedures and enforcement.**

140 (a) After receiving a complaint under Section 11-6, the Director may
141 investigate the facts and issues. In that investigation the Director may
142 use the authority granted in Section 11-2. Whenever appropriate, the
143 Director may refer a complaint to the state Real Estate Commission,
144 the Consumer Protection Division of the state Attorney General's
145 office, or the Federal Trade Commission. If the Director finds
146 reasonable grounds to believe a violation has occurred, the Director
147 must attempt to conciliate the matter by methods of initial conference
148 and persuasion with all interested parties and any representatives the
149 parties may choose to assist them. In attempting a conciliation to
150 assist a complaining consumer in resolving the consumer's individual
151 dispute, the Director may utilize the good offices of the Advisory
152 Committee on Consumer Affairs. Conciliation conferences are
153 informal, and nothing said or done in a conciliation conference may
154 be made public by the [Department] Office, the Committee, or its
155 members unless the parties agree in writing to make the matter public.

- (b) The terms of conciliation agreed to by the parties may be reduced to writing and incorporated into a written assurance of discontinuance or settlement agreement to be signed by the parties. A written assurance or agreement is for conciliation purposes only and does not constitute an admission by any party that any law has been violated. A written assurance of discontinuance or settlement agreement must be signed on behalf of the [Department] Office by the Director.
- (c) A person must not violate or fail to adhere to any written assurance or agreement of discontinuance or settlement agreement. Any failure by the [Department] Office to pursue a violation of any written assurance does not waive any right of the [Department] Office or provision of the agreement.
- (d) The [Department] Office may seek the cooperation of licensing authorities and contracting departments of County government in connection with any investigation under this Chapter of any person licensed to do business in the County or having a contractual relationship with County government.
- * * *
- (h) Any written assurance of discontinuance or settlement agreement or any cease and desist order under this Chapter may require the violator to pay the costs of investigation by the [Department] Office, and may also include stipulations or conditions for restitution by the violator to the consumer of money, property or other things received from the consumer in connection with a violation of this Chapter. The stipulations and conditions must not preclude the [Department] Office

181 from utilizing any other stipulation, condition, or remedy necessary to
182 correct a violation of this Chapter.

183 **11-7A. Enforcement of summonses and subpoenas.**

184 (a) If any person does not comply with any summons or subpoena issued
185 under this Chapter the County, on behalf of the [Department] Office,
186 may enforce the summons or subpoena by appropriate legal action.

187 (b) Any court with jurisdiction may, upon request of the County, grant
188 injunctive or other appropriate relief:

189 * * *

190 (2) Requiring the attendance of the named defendant before the
191 [Department] Office at a time and place specified by the court;

192 * * *

193 (5) Prohibiting the destruction of any records, documents,
194 correspondence, papers, books or other evidence pending
195 conclusion of any lawful investigation by the [Department]
196 Office.

197 **11-8. Costs.**

198 In any action brought under this Chapter, the [Department] Office is entitled
199 to recover its investigation and hearing costs from a violator if an unlawful trade
200 practice is found to exist.

201 **11A-12. Complaints, penalties, enforcement.**

202 (a) Any person subjected to any unlawful practice under this Chapter may
203 file a complaint in writing with the Department under the provisions
204 for filing complaints in Chapter [[11]] 29.

- (b) After receiving a complaint under this Chapter, the Department must conduct investigations and hearings authorized by Chapter [[11]] 29 as necessary to resolve the complaint.

* * *

17-20. [Electricans'] Electricians' licenses.

* * *

- (c) If the Board requests, the Director must investigate the character, experience, training and education of an electrician's license applicant and provide the results of the investigation to the Board. Before a license is issued, the Director must [ascertain] obtain from reliable sources the applicant's record of compliance with state and County laws and record of complaint actions with the [Department of Housing and Community Affairs] Office of Consumer Protection and the State Attorney General's Consumer Protection Division.

30-10. Closing-out sales [--Generally].

* * *

- (b) License required.
- (1) A person must not advertise or offer for sale in the County merchandise under the description of "closing-out sale" or merchandise damaged by fire, smoke, water or otherwise, unless the owner of the business obtains a license to conduct the sale from the Director of the [Department of Housing and Community Affairs] Office of Consumer Protection.

* * *

30C-1. Definitions; scope; purpose.

(a) Definitions. As used in this Chapter, unless the context indicates otherwise:

(1) Office means the Office of Consumer Protection.

[(1)] (2) Immobilize means to use any method, object, or device, including a clamp or lock, to prevent or inhibit the movement of a motor vehicle.

[(2)] (3) Owner includes any person in lawful possession or control of a property or a motor vehicle. The "owner" of general common elements of a condominium is the council of unit owners, or the council's agent for parking management. The "owner" of limited common elements of a condominium is the unit owner or owners who have the exclusive right to use the common elements, or the agent of that unit owner or owners.

[(3)] (4) Redemption area means any area or building where a vehicle owner may pay any charges necessary to redeem a vehicle.

[(4)] (5) Storage site means any land or building used by a towing service to store towed vehicles.

[(5)] (6) Towing means the removal, or preparation to remove, any motor vehicle by another motor vehicle for compensation.

[(6)] (7) Trespass towing service or towing service means any person who tows any motor vehicle from private property for compensation without the consent of the vehicle owner.

[(7)] (8) Tow truck includes any motor vehicle used to tow, or attempt to tow, a motor vehicle from private property.

256 [(8)] (9) Unauthorized vehicle means any motor vehicle which a
257 property owner has not consented to have parked on the
258 property.

259 **30C-3. Administration; rates.**

260 * * *

- 261 (b) Every trespass towing service must file with the [Department] Office
262 a schedule of its rates for each action connected with the towing or
263 storage of unauthorized vehicles. The [Department] Office may
264 disapprove a rate that exceeds the maximum rate set under Section
265 30C-2.
- 266 (c) A trespass towing service must not charge a rate that is higher than the
267 rate on file with the [Department] Office for any action in connection
268 with the towing or storage of any unauthorized vehicle.
- 269 (d) Each trespass towing service must furnish the [Department] Office
270 proof that it carries the insurance required under Section 31A-15(b).
271 Each trespass towing service must inform the [Department] Office of
272 the type of business organization or ownership in which the service
273 operates and the names and current addresses of all owners or, if the
274 service is a corporation, of the officers of the corporation.
- 275 (e) A property owner must not order the towing of an unauthorized
276 vehicle unless the property owner has entered into a written contract
277 that authorizes a towing service to tow vehicles from the owner's
278 property. This provision does not apply if the towing service is the
279 record owner of the property from which a motor vehicle is towed.
280 The property owner must keep on file each contract that is in effect, or
281 that was terminated within the previous 12 months. The [Department]

Office, the Police Department, and the owner of any vehicle towed by the service may inspect and copy any contract during normal business hours. The [Department] Office may issue model contracts that meet the requirements of this Chapter.

* * *

30C-4. Public notice; tow procedures.

(c) Tow procedures.

* * *

(3) The [Department] Office may issue a model tow slip.

* * *

30C-5. Notice to police.

* * *

(c) The property owner or the owner's agent must retain each tow slip and, for those vehicles towed without a tow slip, a record of the information furnished to the police, for one year after the tow. For each vehicle towed without a tow slip, the property owner or agent must record and retain the name of the owner of the property and, if the tow was authorized by an agent, the name of the agent. The Police Department, the [Department] Office, and the owner of any vehicle towed by the service may inspect and copy this information at any time during normal business hours.

30C-8. Redemption and storage procedures.

* * *

(b) Payment and promise to pay.

* * *

(2) Options.

* * *

- b. Each trespass towing service must notify the [Department] Office on the rate schedule filed under Section 30C-3 whether it opts to accept credit cards or personal checks or both. The towing service must notify the [Department] Office if it changes that option.

* * *

(3) Credit card option.

- a. Each trespass towing service must accept the 2 most widely used major credit cards. The [Department] Office must define, in regulations under method (2), which major credit cards are the 2 most widely used.

* * *

- (c) Rates displayed. Every trespass towing service must display prominently, at each redemption area, a copy of its current rates and a statement that these rates do not exceed the rates filed with the [Department] Office. Every trespass towing service must also display prominently a sign, furnished at a reasonable fee by the [Departments] Office, listing the [Department's] Office's telephone number and summarizing the vehicle owner's rights under this Chapter.

* * *

- (e) Receipt. Upon receiving payment, a towing service must furnish the vehicle owner a receipt on a form approved by the [Department] Office. The receipt must:

* * *

(3) Briefly inform the vehicle owner that the [Department] Office can explain the vehicle owner's rights and how to enforce them in small claims court or another appropriate forum if the vehicle owner believes that any provision of County law has been violated, and that the owner may obtain a copy of the law from the [Department] Office.

* * *

31A-1. Definitions.

In this Chapter, the following words and phrases have the following meanings:

[Department: The Department of Housing and Community Affairs.]

Director or Executive Director: The Director of the [Department of Housing and Community Affairs] Office of Consumer Protection.

* * *

Office: The Office of Consumer Protection.

* * *

31A-6. Complaints.

(a) Any person subjected to any unlawful practice, as defined in this Chapter, may file a complaint in writing with the [Department] Office as provided in Chapter 11.

(b) After receiving a complaint under this Chapter, the [Department] Office must conduct such investigations and hearings as necessary under the authority delegated by Chapter 11

* * *

31A-7. Procedure for revocation; hearing; appeals.

- (a) If the [Department] Office finds a violation of this Chapter or Chapter 11, or a violation of any other applicable law or regulation relating to the repair or maintenance of motor vehicles, or if the [Department] Office finds a violation of Article III of this Chapter relating to the towing of motor vehicles, the [Department] Office may, in addition to the procedures established in Chapter 11, issue a written complaint against the registrant, [asking] seeking that the registrant's motor vehicle repair and towing registration be revoked, suspended, or refused. All complaints issued by the [Department] Office must be in writing and specify the allegations on which the complaint is based and the law or regulation which the registrant allegedly violated. All complaints must be served on the registrant against whom the complaint is made either by personal service or by certified mail, delivery restricted to addressee, mailed to the last address recorded in the official County registry.
- (b) Before revoking, suspending or refusing to renew any registration, the [Department] Office must offer the registrant an opportunity for a hearing to show why the registration should not be revoked, suspended, or refused. The Director may serve as hearing officer at any hearing, or the Director may appoint a hearing officer. The registrant must receive at least 15 days written notice of the hearing by personal service or certified mail delivered to the last address recorded in the official County registry. The notice must specify the time, date and place of the hearing and contain sufficient information to inform the registrant of the nature of the complaint. The notice must specify that the registrant has a right to representation by counsel

and that the registration may be suspended, revoked or refused by the County.

* * *

Sec. 31C-1. Definitions.

In this Chapter, the following words have the meanings indicated:

* * *

[(3) Department. "Department" means the Department of Housing and Community Affairs.]

(4) Director. "Director" means the Director of the [Department of Housing and Community Affairs] Office of Consumer Protection.

[(5)] (4) Dispute settler. "Dispute settler" means an independent contractor with building construction expertise hired by the [Department] Office.

[(6)] (5) The fund. "The fund" means the new home warranty security fund, which is moneys contributed by participating builders in the warranty program administered by the County.

[(7)] (6) Load-bearing portions of the home. "Load-bearing portions of the home" means:

* * *

[(8)] (7) Major structural defect. "Major structural defect:"

* * *

[(9)] (8) New home. "New home" means every newly constructed private dwelling unit and the fixtures and structure that are made a part of a newly constructed private dwelling unit at the time of construction.

(9) Office. "Office" means the Office of Consumer Protection.

* * *

31C-2. Licensing.

(a) Requirement.

(1) A builder must not engage in the business of constructing new homes or act in the capacity of a building contractor in the County unless the builder is licensed by the [Department] Office.

(2) The [Department] Office must provide application forms for licensing and prescribe the information to be included.

* * *

(e) Denial of license. The [Department] Office must not issue a license to a builder who has or had any legal interest in a previously licensed firm who has or had a license revoked or suspended for any reason listed in Section 31C-8.

* * *

31C-7. Warranty claims.

* * *

(b) Conciliation.

(1) The [Department] Office must administer a dispute settlement procedure between the owner and the builder.

(2) Any claim submitted by an owner to the [Department] Office must first be reviewed through a conciliation procedure.

* * *

31C-8. Investigation and hearings.

(a) Investigation.

* * *

(2) The [Department] Office may:

* * *

38A-1. Definitions.

In this Chapter, the following words and phrases have the following meanings:

[Department: The Department of Housing and Community Affairs.]

Director: The Director of the [Department of Housing and Community Affairs] Office of Consumer Protection.

* * *

Office: The Office of Consumer Protection.

* * *

38A-9. Complaints; investigations.

(a) Any person subjected to any unlawful practice as defined in this Chapter may file a complaint in writing with the [Department] Office as provided in Chapter 11.

(b) After receiving a complaint under this Chapter the [Department] Office must conduct investigations and hearings as necessary under the authority delegated by Chapter 11.

38A-10. Procedure for revocation; hearing; appeals.

(a) If the [Department] Office finds a violation of this Chapter or Chapter 11, or of any other applicable law or regulation relating to the installation, maintenance and repair of radio and television equipment and electrical appliances, the [Department] Office may, in addition to the procedures in Chapter 11, issue a written complaint against the registrant, [asking] seeking that the registrant's radio, television and electrical appliance installation and repair registration be revoked,

suspended, or refused. All complaints issued by the [Department] Office must be in writing and specify the allegations [upon] on which the complaint is based and the law or regulation which the registrant allegedly violated. All complaints must be served [upon] on the registrant against whom the complaint is made either by personal service or by certified mail, delivery restricted to addressee, mailed to the last address recorded in the official County registry.

- (b) Before revoking, suspending or refusing to renew any registration, the [Department] Office must offer the registrant an opportunity for a hearing to show why a registration should not be revoked, suspended, or refused. The Director may serve as hearing officer at any hearing, or the Director may appoint a hearing officer. The registrant must receive at least 15 days written notice of the hearing by personal service or certified mail delivered to the last address recorded in the official County registry. The notice must specify the time, date and place of the hearing and contain sufficient information to inform the registrant of the nature of the complaint. The notice must specify that the registrant has a right to representation by counsel and that the registration may be suspended, revoked, or refused by the County.

* * *

40-20. Administration and penalties; regulations.

- (a) This Article is enforced by the [Department of Housing and Community Affairs] Office of Consumer Protection. Any violation of the Article is a class A violation.

* * *

44A-2. License required.

A person must not conduct the business of a dealer unless the person possesses a dealer's license issued by the [Department of Housing and Community Affairs] Office of Consumer Protection, which must be displayed to the public wherever the person conducts the business of a dealer. An individual must not act as officer, employee or agent, and in that capacity engage in transactions involving secondhand personal property, for a person required to be licensed by this Chapter unless the person possesses a valid and current dealer's license.

44A-8. Application for license; license fee.

- (a) Each application for a license must be made on the form that the [Department of Housing and Community Affairs] Office of Consumer Protection requires. The applicant must certify that the information given is correct under the penalties of perjury.

* * *

44A-10. Reporting changed information.

If, during any license year, there is a change in the information that a person gave in obtaining or renewing a license under this Chapter, the person must report the change to the [Department of Housing and Community Affairs] Office of Consumer Protection within 30 days after the change occurs and certify that the information given is correct under the penalties of perjury.

44A-12. Grounds for refusal, suspension or revocation of license.

The [Department of Housing and Community Affairs] Office of Consumer Protection may refuse to grant a license under this Chapter to any individual and may suspend, revoke or refuse to renew the license of any person if it finds:

* * *

44A-13. Hearing; appeals.

(a) Before revoking, suspending or refusing to renew any license, the [Department of Housing and Community Affairs] Office of Consumer Protection must offer the dealer an opportunity for a hearing to show cause why a license should not be revoked, suspended or refused. The Director of [Housing and Community Affairs] the Office of Consumer Protection may serve as hearing officer at the hearing, or the Director may appoint a hearing officer. The licensee must receive at least 15 days written notice of the hearing by personal service or certified mail delivered to the last address recorded in the official County registry. The notice must specify the time, date and place of the hearing and contain sufficient information to inform the licensee of the reason for revoking, suspending or refusing to renew the license. The notice must specify that the licensee has a right to representation by counsel and that the license may be suspended, revoked or refused by the County.

* * *

44A-14. Return of licenses on suspension or revocation.

(a) If the license of any employee or dealer is suspended, revoked or not renewed, the employee or dealer must immediately return the license to the [Department of Housing and Community Affairs] Office of Consumer Protection.

* * *

53-103. Taxicab Services Advisory Committee.

* * *

(d) The Director or the Director's representative must serve as an ex-officio non-voting member. The [Chief of the Division] Director of

the Office of Consumer [Affairs in the Department of Housing and Community Affairs] Protection, or the [Chief's] Director's representative, must also serve as an ex-officio non-voting member.

* * *

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Approved:

Thomas E. Perez, President, County Council _____ Date _____

Approved:

Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council Date _____